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UBER TECHNOLOGIES, INC.  
and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,  
OTTOMOTTO LLC; OTTO TRUCKING LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF MELISSA FELDER  
ZAPPALA IN SUPPORT OF DEFENDANTS  
UBER TECHNOLOGIES, INC.'S AND  
OTTOMOTTO LLC'S ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL  
EXHIBITS TO AND PORTIONS OF THEIR  
SUPPLEMENTAL BRIEF ON THEIR  
MOTION TO EXCLUDE ONE OF THREE  
OPINIONS PROFFERED BY WAYMO  
EXPERT JIM TIMMINS [DKT. 1612]**

Judge: Hon. William H. Alsup  
Trial Date: October 10, 2017

I, Melissa Felder Zappala, declare as follows:

1. I am a partner at the law firm Boies Schiller Flexner LLP representing Defendants Uber Technologies Inc. and Ottomotto LLC (collectively, “Uber”) in this matter. I am a member in good standing of the Bar of the District of Columbia. I make this declaration in support of Uber’s Administrative Motion to File Under Seal Exhibits to and Portions of Supp. Brief ISO Uber’s *Daubert* Mtn to Exclude One of Three Opinions Proffered by Waymo Expert Jim Timmins [Dkt. 1612] (“Supplemental Brief”). I make this declaration based on personal knowledge and if called as a witness, I could and would competently testify to the matters set forth herein.

2. I have reviewed the following exhibits and only the portions identified below merit sealing:

Document	Portions to Be Filed Under Seal	Designating Party
Supplemental Brief	Yellow – highlighted portions	Sandstone Group LLC, and Tyto LiDAR, LLC
Zappala Declaration ISO Supplemental Brief	Yellow – highlighted portions	Sandstone Group LLC, and Tyto LiDAR, LLC
Exhibit 1	Entire Document	Waymo, Sandstone Group LLC, and Tyto LiDAR, LLC
Exhibit 2	Entire Document	Waymo, Sandstone Group LLC, and Tyto LiDAR, LLC
Exhibit 3	Entire Document	Sandstone Group LLC, and Tyto LiDAR, LLC
Exhibit 4	Entire Document	Sandstone Group LLC
Exhibit 5	Entire Document	Sandstone Group LLC, and Tyto LiDAR, LLC
Exhibit 6	Entire Document	Uber and Tyto LiDAR, LLC
Exhibit 9	Red – highlighted portions	Waymo

3. Waymo designated the yellow-highlighted portions of the Supplemental Brief and the red-highlighted portions of Exhibit 9; the entirety of Exhibits 1 and 2 as “Confidential” and/or “Highly Confidential – Attorney’s Eyes Only,” in accordance with the Patent Local Rule 2-2 Interim Model

Protective Order (“Protective Order”), which the parties have agreed governs this case. *See* 3/16 H’rg Tr. at 6. Uber files this material under seal in accordance with Paragraph 14.4 of the Protective Order. Uber’s request is narrowly tailored to information Waymo designated and considers “Highly Confidential—Attorneys’ Eyes Only” under the Protective Order, or asked to be sealed.

4. The Supplemental Brief, the Zappala Declaration ISO Supplemental Brief, and Exhibits 1, 2, 3, 4, 5, and 6, also contain information that has been designated as confidential by non-parties Sandstone Group, LLC, and Tyto LiDAR, LLC, including confidential information regarding the ownership and structure of Sandstone Group, financing of Sandstone Group, the ownership of Tyto LiDAR, and the financing of Tyto LiDAR.

5. The entirety of Exhibit 6 is a third party’s Operating Agreement, which was obtained in connection with a business agreement and contains confidential information about the operating details of this third party. This information is not publicly known, and its confidentiality is strictly maintained. I understand that disclosure of this information could allow competitors and counterparties to gain insight into how Defendants structure their business agreements with respect to certain types of third parties, such that Defendants’ competitive standing would be harmed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 28th day of September, 2017, in San Francisco, California.

/s/ Melissa Felder Zappala  
Melissa Felder Zappala

#### ATTESTATION OF E-FILED SIGNATURE

I, Karen L. Dunn, am the ECF User whose ID and password are being used to file this Declaration. In compliance with General Order 45, X.B., I hereby attest that Melissa Felder Zappala has concurred in this filing.

/s/ Karen L. Dunn  
Karen L. Dunn